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10/562,703	07/05/2006	Alfred Biesinger	095309.57215US	3756
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CROWELL & MORING LLP			WANG, JACK K	
INTELLECTUAL PROPERTY GROUP				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,703	<b>Applicant(s)</b> BIESINGER ET AL.
	<b>Examiner</b> Jack K. Wang	<b>Art Unit</b> 4154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 July 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/G6/08)  
 Paper No(s)/Mail Date 12/29/2005, 7/5/2006
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-13 are cancelled by applicant.
2. Claims 14-32 are pending with this application.

#### ***Claim Objections***

3. Claims 19, 29, and 30 are objected to because of the following informalities: improper sentence structure. The sentence “at least on of said at least one second vehicle” has been interpreted as -- at least one of said second vehicle -- (line 1-2) for the purpose of art rejection below. Appropriate correction is required.
4. Claims 20, 31, and 32 are objected to because of the following informalities: improper sentence structure. The claim currently reads "The apparatus as claimed in claim 14, wherein received messages can be output in said first and second at least one of visually, audibly and haptically. The term “first and second at least one of visually, audibly and haptically” has been interpreted as -- first and second vehicle at least one of visually, audibly or haptically-- for the purpose of art rejection below. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 18-22, and 24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart et al. (US Patent # 6,680,694 B1).

Consider claim 14, Knockeart et al. teaches an apparatus in a first vehicle (100, Fig. 1) for producing and wirelessly transmitting messages to at least one second vehicle (100, Fig. 1) configured to receive said messages, said apparatus comprising:

- a communication device (Column 6 lines 33-36) outputting said messages and said communication device including a unit for determining road tolls (Column 29 lines 11-15);
- an activation device including a direction-of-travel indicator operating element, said activation device transmitting said messages from the communication device, said messages comprising at least information about the position and speed of the first vehicle (Column 1 lines 47-51); and
- a control center (120, Fig. 1) for controlling and sending said messages from the communication device to the at least one second vehicle (100, Fig. 1), wherein said control center is configured to manage road tolls (Column 29 lines 11-15).

Although Knockeart et al. does not specifically disclose the apparatus wherein the first vehicle for producing and wirelessly transmitting message to at least second vehicle configured to receive said message. He does disclose the system for providing wireless data communication between multiple vehicles (Column 6 lines 34-37), such as short messages from an in-vehicle system to the server system, for broadcast to multiple vehicles (col. 9, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use well known method that will enable the first vehicle for producing and wirelessly transmitting message to at least second vehicle configured to receive said message, which configure the vehicle to receive the message is a design choice for the particular application.

Consider claim 18, Knockeart et al. clearly shown and disclose the apparatus, wherein the control center includes a digital road map (160, Fig. 1).

Consider claim 19, Knockeart et al. clearly shown and disclose the apparatus, wherein at least one of said second vehicle (100, Fig. 1) is configured to receive the messages also includes a unit for determining road tolls (Column 29 lines 11-15).

Consider claim 20, Knockeart et al. clearly shown and disclose the apparatus, wherein received messages can be output in said first and second at least one of visually, audibly or haptically (Column 13 lines 45-54).

Consider claim 21, Knockeart et al. clearly shown and disclose the apparatus, wherein the control center actuates a device for outputting collective traffic information (Column 1 lines 56-58).

Consider claim 22, Knockeart et al. clearly shown and disclose the apparatus, wherein the communication device is a mobile telephone (Column 8 lines 15-20).

Consider claim 24, Knockeart et al. teaches a method for producing messages in a first vehicle (100, Fig. 1) and wirelessly transmitting said messages to at least a second vehicle (100, Fig. 1) wherein said at least one second vehicle is configured to receive said messages, where activation by a driver of the first vehicle is followed by transmission of the message (Column 41 lines 40-46), said messages including at least information about the position and speed of the first vehicle (Column 4 lines 57-64), said method comprising the steps:

automatically sending the message from a unit in the first vehicle for determining road tolls to a control center which is configured to manage road tolls after the driver of the first vehicle has activated a direction-of-travel indicator operating element tolls (Column 29 lines 11-

15); and forwarding the message from the control center (120, Fig. 1) to the at least one second vehicle (100, Fig. 1) after said message has been received by said control center (120, Fig. 1).

Although Knockeart et al. does not specifically discloses the method for producing messages in a first vehicle and wirelessly transmitting said messages to at least a second vehicle wherein said at least one second vehicle is configured to receive said messages. He does disclose the system for providing wireless data communication between multiple vehicles (Column 6 lines 34-37), such as short messages from an in-vehicle system to the server system, for broadcast to multiple vehicles (col. 9, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use well known method that will able to producing messages in a first vehicle and wirelessly transmitting said messages to at least a second vehicle wherein said at least one second vehicle is configured to receive said messages, which configure the vehicle to receive the message is a design choice for the particular application.

Consider claim 25, Knockeart et al. clearly shown and disclose the method, wherein the control center forwards a message to the at least one second vehicle only after at least one further message of the same type has been received (Column 35 lines 54-61).

Consider claim 26, Knockeart et al. clearly shown and disclose the method, wherein provision is made for received messages to be forwarded in the control center (Column 35 lines 45-50).

7. Claims 15-17, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart et al. (US Patent # 6,680,694 B1), and further in view of Barry et al. (US Patent # 6,034,598).

Consider claim 15, Knockeart et al. teaches the apparatus with switches for user to select various mode of operation (Fig. 2A-2C), except wherein the direction-of- travel indicator operating element is at least one of a hazard warning system switch and a direction indicator switch.

In the same field of endeavor, Barry et al. teaches the direction-of- travel indicator operating element is at least one of a hazard warning system switch and a direction indicator switch (Column 1 lines 38-40) for the benefit of creating a simple data-processing connection between the hazard warning system switch and the communication system to determine the position of the vehicle without additional circuit.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include the direction-of- travel indicator operating element is at least one of a hazard warning system switch and a direction indicator switch as shown in Barry et al., in Knockeart et al. device for the benefit of creating a simple data-processing connection between the hazard warning system switch and the communication system to determine the position of the vehicle without additional circuit.

Consider claim 16, Knockeart et al. teaches the apparatus, wherein the messages activated by the a set of rocker switches are used in the control center to determine at least one of tail lift and a slow-moving vehicle and a broken- down vehicle (Column 13 lines 62-66), except hazard warning system switch.

In the same field of endeavor, Barry et al. teaches the hazard warning system switch (Column 2 lines 17-19) for the benefit of consolidating the system control switch into hazard warning switch to reduce additional circuit within the vehicle.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include the hazard warning system switch as shown in Barry et al., in Knockeart et al. device for the benefit of consolidating the system control switch into hazard warning switch to reduce additional circuit within the vehicle.

Consider claim 17, Knockeart et al. teaches the apparatus, wherein the messages activated by the direction indicator switch (rocker switches) are used in the control center to detect at least one of an overtaking operation by the first vehicle and a parked vehicle.

Although Knockeart et al. does not specifically disclose the overtaking operation by the first vehicle and a parked vehicle. He does disclose a GPS satellites that computing position data related to the location of the vehicle using the received reference signal, it would have been obvious to one of ordinary skill in the art at the time of the invention to use well know method of applying the signal from parked vehicle as reference signal to detect an overtaking operation by the first vehicle and parked vehicle, which the selection of reference signal are design choice for the particular application.

Consider claim 27 and 28, Knockeart et al. clearly shown and disclose the apparatus, wherein the control center (centralized server) (120, Fig. 1) includes a digital road map (160, Fig. 1) (Column 11 lines 28-32).

Consider claim 29 and 30, Knockeart et al. clearly shown and disclose the apparatus, wherein at least one of said second vehicle is configured to receive the messages also includes a unit for determining road tolls (Column 29 lines 11-15).

Consider claim 31 and 32, Knockeart et al. clearly shown and disclose the apparatus, wherein received messages can be output in said first and second at least one of visually, audibly or haptically (Column 13 lines 45-54).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart et al. (US Patent # 6,680,694 B1) as applied to claim 14 above, and further in view of Ukai et al. (US Patent # 6,823,258 B2).

Consider claim 23, Knockeart et al. teaches similar invention except the apparatus, further including an online billing facility for at least one of sent and received messages.

In the same field of endeavor, Ukai et al. teaches the apparatus further including an online billing facility for at least one of sent and received messages (Column 14 lines 65-67) for the benefit of providing access to control billing operations for the toll roads used.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include an online billing facility for at least one of sent and received messages as shown in Ukai et al., in Knockeart et al. device for the benefit of providing access to control billing operations for the toll roads used.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Levin et al. (Pub # US 2003/0102997 A1) "Vehicle communication network".
- b. Fujita et al. (US Patent # 7,151,467 B2) "Vehicular communications apparatus and method".
- c. Schuessler (US Patent # 5,864,831) "Device for determining road tolls".

- d. Jambhekar et al. (Pub # US2004/0203840 A1) "Apparatus and method for downloading journey-related information".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack K. Wang whose telephone number is 571-272-1938. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on 571-272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

*/Angela Ortiz/*

*Supervisory Patent Examiner, Art Unit 4154*

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